

AMENDED IN ASSEMBLY MAY 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 717

Introduced by Assembly Member Gonzalez

(Principal coauthor: Senator Anderson)

(Coauthors: Assembly Members Campos, Dababneh, ~~Cristina Garcia~~, Cristina Garcia, Melendez, Rodriguez, and Salas)

February 25, 2015

An act to add Section 6363.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 717, as amended, Gonzalez. Sales and use taxes: exemption: diapers.

Existing sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. That law provides various exemptions from those taxes.

This ~~bill~~ *bill, until January 1, 2021*, would exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, diapers for infants and ~~toddlers~~ *toddlers, designated size 3 or under*.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing law authorizes districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which conforms to the Sales and

Use Tax Law. Amendments to state sales and use taxes are incorporated into these laws.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse any local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6363.9 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 6363.9. (a) There are exempted from the taxes imposed by
- 4 this part the gross receipts from the sale in this state of, and the
- 5 storage, use, or other consumption in this state of, diapers designed,
- 6 manufactured, processed, fabricated, or packaged for use by infants
- 7 and ~~toddlers~~; *toddlers, designated size 3 or under.*
- 8 (b) *This section shall remain in effect only until January 1, 2021,*
- 9 *and as of that date is repealed.*
- 10 SEC. 2. Notwithstanding Section 2230 of the Revenue and
- 11 Taxation Code, no appropriation is made by this act and the state
- 12 shall not reimburse any local agency for any sales and use tax
- 13 revenues lost by it under this act.
- 14 SEC. 3. This act provides for a tax levy within the meaning of
- 15 Article IV of the Constitution and shall go into immediate effect.
- 16 However, the provisions of this act shall become operative on the
- 17 first day of the first calendar quarter commencing more than 90
- 18 days after the effective date of this act.